

LATHAM & WATKINS LLP
Charles H. Samel (SBN 182019)
633 West Fifth Street, Suite 4000
Los Angeles, California 90071-2007
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
charles.samel@lw.com

Attorneys for Defendants
ATI Technologies, Inc. and
Advanced Micro Devices, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUSTUS AUSTIN, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION; ATI
TECHNOLOGIES, INC.; and ADVANCED
MICRO DEVICES, INC.

Defendants.

Case No. C-06-07526 WHA

CLASS ACTION

**AMENDED STIPULATED REQUEST TO
CONTINUE INITIAL CASE MANAGEMENT
CONFERENCE AND ADR DEADLINES;
~~PROPOSED~~ ORDER**

JURY TRIAL DEMANDED

Plaintiff Justus Austin (“Plaintiff”) and Defendants Nvidia Corporation
 (“Nvidia”), ATI Technologies, Inc. and Advanced Micro Devices, Inc. (collectively “AMD”) hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On December 7, 2006, Plaintiff filed the Complaint based on diversity jurisdiction. The Complaint alleges claims under state antitrust and consumer protection laws. Plaintiff has styled the Complaint as a putative class action.

2. As of the date of this Stipulation, at least 23 other complaints have been filed in this and other judicial districts. All of these complaints allege federal antitrust claims

1 and/or state law antitrust claims against Nvidia and AMD. Each complaint is styled as a putative
2 class action.

3 3. On December 8, 2006, plaintiffs in some of these other actions
4 collectively filed a motion before the Judicial Panel on Multidistrict Litigation (“JPML”) to
5 transfer and consolidate in this judicial district all existing and subsequently filed antitrust
6 actions related to the claims alleged in the Complaint. Nvidia and AMD will respond to the
7 motion on the schedule to be set by the JPML.

8 4. On January 16, 2007, AMD and Nvidia filed a response with the JPML
9 supporting consolidation and transfer of these actions to the Northern District of California, San
10 Jose Division, or, in the alternative, in the Northern District of California, San Francisco
11 Division. To date, every party responding to the JPML Motion has supported consolidation and
12 transfer in either the Northern or Central Districts of California. No party has opposed
13 consolidation and transfer.

14 5. Some of the plaintiffs in the potentially related antitrust actions and all
15 Defendants have requested that the Panel hear oral argument on the JPML Motion. The parties
16 expect that if the Panel does hear oral argument, the hearing will occur in March 2007. The
17 parties agree that, at some point subsequent to that hearing, the JPML is likely to order transfer
18 and consolidation of these actions.

19 6. In light of these facts, Plaintiff and Defendants stipulated in December
20 2006 to extend the time for Defendants to respond to the Complaint to 30 days after (1) the order
21 resolving the JPML motion and (2) the filing and service of any subsequent consolidated
22 complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or
23 otherwise respond to the Complaint for good cause shown.

24 7. Given the likelihood of a March 2007 hearing date before the JPML, the
25 dates set forth in the Order Setting Initial Case Management Conference and ADR Deadlines
26 entered on December 7, 2006 (“December 7 Order”), including the deadlines imposed by Federal
27 Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule 3.5, will come to pass before
28 the JPML acts on the pending motion.

8. Continuing the dates set forth in the December 7 Order would avoid the expenditure of unnecessary judicial resources until it is determined whether this action will remain pending in this Court. It would also ensure consistency in pretrial rulings and be convenient for the parties, including Plaintiff.

9. Accordingly, the parties hereby stipulate to and respectfully request that the Court order a continuance of the dates set forth in the December 7 Order. The affected dates include (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan (currently February 22, 2007); (2) file joint ADR documents (currently February 22, 2007); (3) complete initial disclosures and file the Case Management Statement and Rule 26(f) Report (currently March 1, 2007); and (4) the Initial Case Management Conference (currently March 15, 2007).

10. The parties request that the Court continue the above referenced schedule as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan – May 3, 2007; (2) file joint ADR documents – May 3, 2007; (3) complete initial disclosures and file the Case Management Statement and Rule 26(f) Report – May 17, 2007; and (4) the Initial Case Management Conference – May 24, 2007. Such a continuance will allow this matter to move forward promptly in the event that the JPML Motion is denied and further proceedings before this Court are necessary.

11. Except as described in Paragraph 6, the parties have sought no previous modification of the timing of any event or deadline set by the Court.

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12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: February 6, 2007

LATHAM & WATKINS LLP

By: /s/ Charles H. Samel
Charles H. Samel (182019)

Attorneys for Defendants
ATI TECHNOLOGIES, INC. and
ADVANCED MICRO DEVICES, INC.

Dated: February 6, 2007
COOLEY GODWARD KRONISH LLP

By: /s/ James Donato
James Donato (146140)

Attorneys for Defendant
NVIDIA CORPORATION

Dated: February 6, 2007
SCHUBERT & REED LLP

By: /s/ Aaron H. Darsky
Aaron H. Darsky (212229)

Attorneys for Plaintiff
JUSTUS AUSTIN

1 FILER'S ATTESTATION:

2 Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of
3 perjury that the concurrence in the filing of this document has been obtained from its signatories.

4 Dated: February 6, 2007

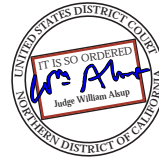
5 By: /s/ Charles H. Samel
Charles H. Samel

—[PROPOSED] ORDER

Pursuant to the stipulation of the parties, all dates set forth in the December 8, 2006 Order Setting Initial Case Management Conference and ADR Deadlines and the January 23, 2007 Clerk's Notice Scheduling Initial Case Management Conference on Reassignment are hereby continued as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan will be May 3, 2007; (2) the deadline to file joint ADR documents will be May 3, 2007; (3) the deadline to complete initial disclosures and file the Case Management Statement and Rule 26(f) Report will be May 17, 2007; and (4) the Initial Case Management Conference will be May 24, 2007. The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered.

Dated: February 7, 2007



The Honorable William H. Alsup

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